

BUSINESS OF THE COURTS.

Mrs. Mullett Divorced From Her Fugitive Husband.

EX-HUSBAND DELINQUENT.

Marshal Benton Appointed Receiver in the Earls Furniture Case.

He Files a \$30,000 Bond—A Sewing Machine Agent Arrested—A Travelling Man in Trouble—Suit Over a Parrot.

Divorce cases lead the right of way in the Third district court yesterday morning.

The first called was that of Rhoda Mullett vs. Joseph E. Mullett, sr. The plaintiff, a pleasant faced lady well past the meridian of life, went upon the stand and told her story to the court. She stated that she married the defendant in St. Louis, Mo., on July 2, 1877, and that they came to Salt Lake one year later, five years ago the defendant deserted her and since that time has not contributed anything toward her support. She also alleged that he had contributed very little prior to the desertion for many years.

"Why did he leave you?" said the court.

"Well," replied the witness, "I guess he didn't want to work and take care of me."

George Lamborn, a son of Mrs. Mullett by a former husband, also testified in her behalf and stated that Mullett was under bonds to answer to a criminal charge when he left the city and that he skipped his bonds.

Upon this evidence Judge Zane granted the decree and awarded Mrs. Mullett the custody of a fifteen-year-old daughter.

AN ALMOYNT CASE.

The next case called was the divorce case of Margaret Cottrell vs. Learned Cottrell, upon an order on the defendant to show cause why he should not be fined for contempt by neglecting the payment of temporary alimony and costs as previously ordered by the court.

Mrs. Cottrell was examined and stated that her husband had given her only \$5 since September and that she was dependent upon one boarder and relatives in the east for the support of herself and four children. Her husband and herself, she said, owned two lots in Bountiful which were worth \$2,500, less a mortgage of \$750 upon them.

Mrs. Cottrell also stated that her husband had bought a few groceries and meat for her and the children, but that he was for himself, except what was left, and he gave that to the children.

After hearing the evidence the court ordered Cottrell to pay the alimony and costs due to date, amounting to \$190, less what provisions he had furnished by Jan. 14 or the fine for contempt would be imposed.

SHORT ORDERS.

W. F. Vignati et al. vs. Margaret Shafter et al.; demurrer withdrawn by defendant and disclaimer filed.

James Burnham et al. vs. D. Alexander & Co.; report of Special Master McKay on receiver's report filed and \$100 allowed as a fee.

J. J. Cushing et al. vs. John Beck; motion for new trial for cause granted.

Mander, Luse & Co. vs. the Smythe, Britton and Poore company; motion to strike out portion of complaint allowed and defendant given 10 days to answer.

M. L. Coffin vs. S. A. Campbell et al.; order of service by publication made.

Mason & Co. vs. H. C. Neilson; writ of attachment dissolved and case dismissed.

Louis Hyams et al. vs. Elmer Hamberger et al.; report of referee confirmed.

H. S. Lacey vs. W. B. Andrew et al.; default of defendants entered and judgment for plaintiff for \$1,200.

BENTON IS RECEIVER.

The Latest Phase of the Earls Furniture Litigation.

There was a merry war of words in the Third district court yesterday over the plaintiff's motion for the appointment of a receiver in the case of Solomon Kasper et al. vs. the Earls Furniture & Carpet company et al. vs. Elmer Hamberger and Judge Day appeared for the plaintiffs and Sutherland & Howatt for the defense.

During the argument the attorneys got rather personal in their remarks and his honor had to rap for order several times. The plaintiffs allege that the confession of judgment made by the company in favor of joint defendants in the present case was fraudulent and for this reason plaintiffs desired that a receiver be appointed so that the funds could be kept in check until they had an opportunity to get a hearing upon the allegations of their complaint.

After a large amount of talk of an unimportant character, Judge Zane placed the question upon the fact by appointing Marshal Benton receiver under bonds in the sum of \$50,000. His honor also referred the case to a special master to be agreed upon by the Higginson, Marshal Benton filed his bond in the afternoon.

AN ABUSIVE AGENT.

Got Mad Because a Sewing Machine Was Returned.

P. P. Yardsdorfer, an agent for the Singer Sewing Machine company, was arrested by Deputy Sheriff O'Brien yesterday upon the complaint of a Mrs. Duncan, who alleges that Yardsdorfer used abusive language to her, thereby disturbing her peace and quiet.

Mrs. Duncan states that the agent left the machine with her, and because she declined to keep it became enraged and directed some loud and boisterous language at her. Yardsdorfer was taken before Justice Whitehorn, where he deposited \$25 in cash for his appearance next Tuesday.

HIS DRAFT RETURNED.

Frank B. Mellan Prosecuted by Fritz Rippen.

Frank B. Mellan, a traveling man, with headquarters in this city, was arrested yesterday by Deputy Marshal Cannon on the charge of obtaining money under false pretenses. Fritz Rippen was the complaining witness and he alleged that he cashed a draft on a Chicago bank for Mellan on Nov. 3, and that the draft was protested on account of a lack of funds in the bank to Mellan's credit.

It appears that Mellan a few days prior to the date upon which Rippen cashed the draft for him, had sent quite a sum of money into his home, a portion of which was to be placed to his credit. The firm had failed to do so, however, before the draft reached the bank. Mellan was taken before Commissioner Greenman, where he paid a portion of the money and gave bond for the payment of the balance. He also gave bond for his appearance next Tuesday. It is stated that his firm has been heard from and that they allege that Mellan was not responsible for the lack of funds with which to meet his draft.

AN ATTACHMENT SQUABBLE.

Charles Thiede Sues to Recover Saloon Fixtures and Stock.

Charles Thiede has filed an action against Constable Campbell, B. A. Block & Co., and Charles Riebel in Justice Whitehorn's court to recover the possession of certain goods and saloon fixtures, which he claims are his property. The plaintiff alleges that the defendants maliciously conspired to cheat and defraud him.

According to the complaint B. K. Bloch

& Co. began attachment proceedings against Charles Riebel on Dec. 27 to collect a debt of \$134, and Commissioner Meyer, without requiring a bond as provided for by law, issued the writ and the constable seized the goods. Thiede asserts that the goods were worth \$231, and he demands their return with damages for their detention in the sum of \$250.

James Anderson Released.

James Anderson, who was sentenced by Judge Blackburn to one month in the penitentiary on Dec. 7, upon conviction for unlawful cohabitation, was released yesterday. Anderson was also fined \$50, but he escaped the payment of the same by taking the pauper oath before Commissioner Greenman.

Suit Over a Parrot.

Mrs. Annie Reichelt began a suit in claim and delivery against Mrs. Hechler in Justice Whitehorn's court yesterday for the possession of a parrot, which addresses himself as "Jacko," and which the plaintiff alleges is worth \$25. A reporter endeavored to interview "Jacko" in the sheriff's office in the afternoon, but the bird does not speak the English language, and the reporter's German seemed to give him an attack of nausea.

Ham of the Courts.

The divorce case of Eliza J. Smith vs. Samuel B. Smith was resumed before Referee Judge Anderson yesterday morning, and was concluded late in the afternoon. It was then taken under advisement.

Judge J. H. Bowman's friends are now exerting themselves in his behalf to secure for him the probate judgeship made vacant by Judge Barlow's elevation.

James W. Moffatt has begun suit in Justice Whitehorn's court against Mrs. Rosanna M. White et al. to collect \$25.50 which he alleges is due him for services rendered defendants as an engineer.

The Utah Laundry company has begun suit against M. H. Beardsley in Commissioner Meyer's court to collect \$120.02.

John H. Hinnman and Francis M. Bishop.

John H. Hinnman and Francis M. Bishop, judgment has been rendered in favor of the plaintiff for \$17,231.50.

J. G. Felt filed an action against N. H. Groesbeck in the third district court yesterday to collect \$612.33 on a promissory note.

In the case of the California Wine Company vs. R. Barotofsky, the defendant

petitioned judgment in favor of the plaintiff for \$121.25.

Probate Court Orders.

The following orders were made in the probate court yesterday:

Estate of Thomas A. Robinson, deceased; order made of \$55 per month family allowance to date from Jan. 1; the following claims were also approved: W. S. Henderson, \$18.55; T. S. Bascom, \$10; A. C. McClean, \$125.

Estate of Seth Rigby, deceased; order of publication of notice to creditors made.

Estate of P. E. Hogeland, deceased; order of publication of notice to creditors made.

Estate of W. W. Player, deceased; court decides that minor heirs are entitled to a distribution share of said estate.

AFTER UTAH CATTLE.

Montana Buyers Coming in to Purchase Young Steers.

Manager de Rieques of the Stock Yards Illustrates the Growth of the Live Stock Business—Feeding Utah Cattle.

The cattle receipts for the week at the stock yards have been light. The most important contract made by Manager de Rieques during the week was with the Utah Slaughterhouse company for feeding 600 head of steers.

The Montana buyers, who look to Utah for young steers to replenish their herds, are beginning to come in to make purchases. They purchase every year about twenty thousand head of one, two and three-year-old steers in Utah and drive them to Montana to fatten for the market.

Mr. de Rieques, in talking over the future prospects of the Utah stock yards, referred to the twenty-second annual report of the Kansas City Stock Yards company for the year ending Dec. 31, 1892.

In 1871 the total receipts of the Kansas City yards were as follows: Cattle, 120,827; hogs, 1,030; sheep, 4,537; horses and mules, 809; cars, 6621.

In 1892 there were received: Cattle, 1,479,078; hogs, 2,397,477; sheep, 438,268; horses, 32,305; cars, 97,462.

This increase is almost phenomenal and it is difficult to comprehend the magnitude of the business of handling nearly a hundred thousand car loads of live stock in a single year. The Atchison & Santa Fe handled 260,350 cars and the Missouri Pacific 19,471.

The value of the live stock products which went through these yards in 1892 was \$78,477,168.

The average weight of the hogs received was 238 pounds per head.

The largest receipts on any one day was on July 8, when 12,866 cattle were received. On July 30, 1892, the hogs aggregated 25,408 head and on May 25, of the same year, 10,488 sheep. More cattle were received during the month of September than in any other before, the receipts being 300,738 head.

Feeding Cattle and Sheep.

Osgood Johnson, manager of the Durham Land & Cattle company, is feeding 180 head of fine beef cattle for the eastern market in Standard. Box Elder county, settlement.

A. G. Fell, of Ogden, and Mr. Crane, of Provo, are feeding two large flocks of sheep. They expect to go through the winter in grand shape.

BIRCHMAN BUGLER.

Verdict Against George Whitmore—A Title Suit.

Provo, Dec. 6.—Today at 10 o'clock the jury in the case of Payson Cannery & Creamery Co. vs. W. L. Clark took their verdict and rendered a verdict in favor of the defendant.

The jury in the case of Lorenzo Pace et al. vs. George C. Whitmore came into court and rendered a verdict awarding the plaintiff \$1125 in cash as damages and 250 sheep and lambs valued at \$635.

A. O. Smoot and the Brigham Young academy are defendants in a suit instituted by the Central Block company. A failure to provide a clear title to the property on which the Central block is located is the cause of the trouble. Many of those who took stock in the building pulled out on account of the uncertainty of the title, bringing the building to a stop after it had gone up three stories.

This suit will settle matters, after which the building will be completed.

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THE SUIT FOR FEES.

It Will Affect All the District Court Clerks.

The Rule Laid Down May Also Be Applied to the United States Marshal and Reduce His Revenues.

"I don't see why the comptroller should have singled me out as the subject of his test case," said District Court Clerk McMillen, yesterday, referring to the suit instituted against him for \$5,000 collected as fees. "This suit is for money that I sent the government and it was returned to me. I have followed the instructions of the attorney-general in the matter of retaining fees. The dispute is between him and Comptroller Matthews."

"The question involved is whether I am a United States or territorial official when acting in territorial cases. I claim that I am a territorial official and therefore need not account to the government for the fees. This is also the position taken by the attorney-general. The amount sued for covered the class of fees 'during the greater part of my present term of office, nearly four years.'"

If this case is decided against Clerk McMillen, it will affect not only the emoluments of the clerk of this district, but of all the clerks of all the United States courts in the territories, of which there are four in Utah, three in Arizona, three in New Mexico, one in Oklahoma and one in Alaska.

The rule laid down will also probably be applied to United States marshals in this territory, but not in the other territories, for the reason that Utah is the only territory in which the United States marshal (under the provisions of the Poland bill) has anything to do with territorial cases.

If the rule is applied to the United States marshal it will effect his revenues to a much greater extent than those of the clerks, as the greater portion of his fees are derived from territorial business.

It is understood that this is the question that has occasioned the delay in the settlement of ex-Marshall Parsons' accounts at Washington.

AMUSEMENTS.

"ALL BABA" LAST NIGHT.

There was another overflowing house at the theatre last night to witness the second production of "All Baba."

The scenery and mechanical effects, the splendid music, the gorgeous costumes, the electric displays, the ballets, the songs, the choruses, the fun of Eddie Foy and Henry Norman, the Irish postboy, All Baba's donkey, the panorama, the beautiful cascade and the marvellous closing transformation scene, all received their due meed of praise and applause.

The exterior of the robbers' cave, in the second act, is a beautiful bit of scene painting, made effective by a skilful arrangement of lights and the fall of clear water over the rocks in the rear portion of the stage. The scenery throughout is representative. No such display of elegant, tasteful and glittering costumes has ever been seen before in Salt Lake.

The beauty of the dresses lies in the pretty tints of colors selected in their manufacture, and every set is so arranged as to make the blending with the scene and change of time lights a perfect contrast. The armor of the fort thieves is not only effective, but impressive, and dazzling to the eye. No two suits are alike except in fabric, the colors of the mantles being of the latest fashionable hues, and all together forming a kaleidoscope most pleasing to the eye.

The arrangement of the innumerable features in this grand spectacular play is perfect. There is not one scene that does not contain something new and interesting. One does not become tired of the music, the dancing or the fun. The vocal numbers are generally well sung, the solos and concerted pieces being well rendered, though the orchestra has not yet been heard in the production.

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